



# **FIDUCIARY BOARD**

Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Hearing Room 109

**November 5, 2015**  
**10:30 a.m.**

## **Approved Regular Meeting Minutes**

### **MEMBER ATTENDANCE:**

#### **Present:**

Emily Kile  
Deborah Primock  
Sherry Reed  
Elaine Acosta Sweet  
Catherine Robbins

#### **Telephonically Present:**

Leonard Montanaro  
Honorable Jay Polk  
Mark Rubin

#### **Absent:**

Diana Corry  
Gary Krcmarik

### **OTHER ATTENDEES:**

#### **AOC Staff:**

Mark Wilson  
Pasquale Fontana  
Wendy Reiter  
Hal White  
Wil Castro  
Debbie MacDougall  
Michelle Jackson  
Michelle Martinez

#### **Guests:**

Alisa Gray  
Larry Scaringelli  
Stephanie McCollum  
Taylor Dudley  
Christina Lauro  
Vinay Singh  
Catherine Fuller  
Gregory Loughridge  
Rachel Murgina  
Shawnie Patterson  
Lisa Price  
Philip DeVico  
Carma DeVico

---

## CALL TO ORDER

*Called to Order By:*

Deborah Primock, Chair

*Time:*

10:38 a.m.

---

### 1) REVIEW AND APPROVAL OF MINUTES

*1-A: Review, discussion, and possible action regarding the regular session minutes of the meeting held on September 10, 2015.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Move to accept the regular session minutes of the meeting on September 9, 2015 as corrected.

*Motion Proposals:* First Elaine Sweet  
Second Catherine Robbins

*Motion Results:* Pass

---

### 2) PENDING COMPLAINTS

*2-A: Review, discussion and possible action regarding complaint number 09-0007 involving Stephanie McCollum; and review, discussion and possible action regarding renewal of licensure for Stephanie McCollum.*

*Individual Addressing the Board:* Pasquale Fontana

*Discussion:* **Complaint No. 09-0007** – Stephanie McCollum - On March 6, 2009, the Division received a written complaint, containing two allegations, against licensed fiduciary, Stephanie McCollum. At that time, Ms. McCollum was employed as an estate manager with licensed business entity, The Sun Valley Group, Inc. The Sun Valley Group, Inc. ceased to do business as a fiduciary services company on or about February 28, 2011.

1. McKey alleges McCollum hired him to complete construction work on behalf of SVG, and that she requested

he hire her husband, Jim McCollum, and pay him 50% (fifty percent) of the profits from a completed work project.

2. McKey alleges McCollum wanted him to pay Jim McCollum 50% (fifty percent) of the profits from other work projects and when McKey refused to pay he was not hired for any future work.

Upon completion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On April 7, 2014, Probable Cause Evaluator Baumstark entered a finding probable cause does not exist as to Allegation 2 but does exist as to Allegation 1, as detailed in the Investigation Summary and Allegation Analysis Report.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Stephanie McCollum has not committed the alleged acts of misconduct as detailed in the Allegation 2 of the Investigation Summary and Allegations Analysis Report in complaint number 09-0007.

Ms. McCollum is present with her attorneys, Larry Scaringelli and Alisa Gray. The Board interviews Ms. McCollum and discussion is held regarding the complaint.

***Motion:*** Move to issue a Letter of Concern.

***Motion Proposals:*** First Leonard Montanaro  
Second Mark Rubin  
Recused Catherine Robbins

***Motion Results:*** Pass

***Discussion:*** Renewal of licensure to Stephanie McCollum.

***Motion:*** Move to grant renewal of licensure.

***Motion Proposals:*** First Mark Rubin  
Second Elaine Sweet  
Recused Catherine Robbins  
Abstained Emily Kile

***Motion Results:*** Pass

**12:06 P.M. The Board takes a brief intermission.**

**12:11 P.M. The meeting reconvenes. Judge Polk and Mark Rubin departed from the meeting prior to the break.**

**2-B: Interview, review, discussion and possible action regarding complaint number 12-0004, involving license holder, Entrust Fiduciary Services, Inc.**

**Individual Addressing the Board:** Hal White

**Discussion:** **Complaint Number 12-0004** - Entrust Fiduciary Services, Inc. - On May 23, 2012, the Division received a complaint alleging the following misconduct on the part of Entrust Fiduciary Services Inc., complaint number 12-0004.

**Allegations Alleged by Complainant:**

1. Adult Protective Services (“APS”) did not petition the court for guardianship or conservatorship as required by statute.
2. Prior to appointment Price spent 1.2 hours at nursing home with Schmidt’s wife Valerie Schmidt (“Valerie”) and charged the estate on itemized bill after appointment.
3. Price misused Schmidt’s finances and assets.
4. Abuse of power by Price.
5. Schmidt believes his deceased wife’s Valerie accounts were depleted before her death.
6. Price took two home computers from Schmidt’s house and Schmidt’s attorney, Amanda Taylor (“Taylor”) asked for the 2 computers to be returned, no response from Price.
7. Price paid for Schmidt’s license plate and registration, even though he is a disabled veteran.
8. Price paid pass due credit cards Schmidt owed on which were settled for a lesser amount.
9. Price paid for labor for landscaping that was never done.
10. Price did not pay Schmidt’s bills for September, October, or November 2011.

On August 8, 2015, the investigation was submitted to the Probable Cause Evaluator, Mike Baumstark.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lisa Price has not committed the alleged act(s) of misconduct as detailed in Allegations 1, 3, 4, 5, 6, 7, 8, and 9 of the Investigation Summary and Allegation Analysis Report in complaint number 12-0004.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lisa Price has committed the alleged act(s) of misconduct as detailed in Allegations 2 and 10 of the

Investigation Summary and Allegation Analysis Report in complaint number 12-0004.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving: (i) A.R.S. § 14-5414 by causing herself to be paid for services related to the possible appointment as a fiduciary for Valarie Schmidt when she was not appointed; and (ii) ACJA § 7-201(J)(4)(d) for failure to properly manage the ward’s estate after he was declared competent by Veterans’ Affairs but before she was removed/released as the fiduciary by the Superior Court.

It is recommended that the Board issue a Letter of Concern.

Ms. Price is present and interviewed by the Board.

**Motion:** Move to accept staff’s recommendation and issue a Letter of Concern.

**Motion Proposals:** First Emily Kile  
Second Elaine Sweet

**Motion Results:** Pass

---

### 3) INITIAL LICENSURE AND ELIGIBILITY

**3-A:** *Review, discussion and possible action regarding the following applications for initial licensure:*

1. *Adam Hansen*
2. *Custom Care Financial Solutions, LLC (Philip DoVico)*
3. *Gregory Loughridge*
4. *Matthew Scott Dana*

**Individual Addressing the Board:** Wil Castro

**Discussion:** It is recommended the Board grant initial fiduciary licensure to Adam Hansen.

**Motion:** Move to grant initial licensure.

**Motion Proposals:** First Elaine Sweet  
Second Catherine Robbins

**Motion Results:** Pass

**Individual Addressing the Board:** Wil Castro

**Discussion:** Deborah Primock recuses herself. Due to a quorum issue, it is recommended that the Board defer applicant Philip DeVico (Custom Care Financial Solutions, LLC) until the next meeting.

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board grant initial fiduciary licensure to Gary Loughridge with additional non-disclosure language, the following language would be used:

*The Fiduciary Board ("Board") has concluded its review of your application and determined you have satisfied the eligibility requirements for licensure. Although the Board is granting you licensure, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of licensure or disciplinary action.*

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Elaine Sweet

**Motion Results:** Pass

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board defer applicant Matthew Scott Dana until the next meeting.

#### **4) RENEWAL OF LICENSURE APPLICATIONS**

**4-A: Review, discussion and possible action regarding the following pending application for renewal of individual fiduciary licensure:**

**James Clark**

**Individual Addressing the Board:** Wil Castro

**Discussion:** It is recommended the Board grant renewal of licensure to the following applicant:

James Clark

**Motion:** Move to accept staff's recommendation.

**Motion Proposals:** First Catherine Robbins  
Second Elaine Sweet

**Motion Results:** Pass

#### **4) LICENSURE AND ELIGIBILITY**

**5-A: Review, discussion, and possible action regarding the request of Yvonne (Bonnie) Navarro-Stallings to retake the fiduciary examination.**

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board grant the request to retake the fiduciary examination.

**Motion:** Move to approve request to retake the fiduciary exam for final time.

**Motion Proposals:** First Elaine Sweet  
Second Leonard Montanaro  
Opposed Catherine Robbins

**Motion Results:** Pass

**5-B: Review, discussion, and possible action regarding request of license holder, Debra Eazer #20575, to place her license on inactive status.**

**Individual Addressing the Board:** Wendy Reiter

**Discussion:** It is recommended the Board accept the request of Ms. Eazer to be placed on inactive status.

**Motion:** Move to approve request for inactive status.

**Motion Proposals:** First Elaine Sweet  
Second Sherry Reed  
Abstained Catherine Robbins

**Motion Results:** Pass

---

#### **CALL TO THE PUBLIC**

**Individuals Addressing the Board:** Sherry Reed

---

## ADJOURNMENT

***Motion:*** Move to adjourn.

***Motion Proposals:*** First Catherine Robbins  
Second Elaine Sweet

***Motion Results:*** Pass

***Time:*** 12:55 p.m.

Initials: AO